

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

VICKI BENITES,

Plaintiff,

vs.

QWEST CORPORATION and
DIRECTV, INC.,

Defendants.

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

Introduction

1. Defendants illegally obtained a copy of Ms. Benites' credit report, without her permission or knowledge. Ms. Benites seeks damages under the federal Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* ("FCRA").

Jurisdiction

2. This Court has jurisdiction under the FCRA, 15 U.S.C. § 1681p, and under 28 U.S.C. §§ 1331 and 1337.

Parties

3. Plaintiff Vicki Benites resides in Albuquerque, New Mexico. She is a "consumer" as defined by § 1681a(c) of the FCRA.
4. Defendant Qwest Corporation is a foreign corporation which provides general telephone services to residents of New Mexico.
5. Defendant DirecTV, Inc. is a foreign corporation which provides direct-to-home satellite television services.

Facts

6. Ms. Benites is a customer of Qwest, which provides her with local telephone service.
7. On or about August 1, 2008 Ms. Benites called Qwest for information about changing her calling plan.
8. The Qwest representative asked if Ms. Benites had cable television service, and it tried to convince Ms. Benites to switch from Comcast to DirecTV, which is a service Qwest sells.
9. Ms. Benites told the representative she was not interested in switching her cable television service.
10. A few days later Ms. Benites received an email alert from a credit monitoring service to which she subscribes. The alert notified her that defendants had pulled her credit report, without Ms. Benites' permission.
11. Ms. Benites was upset that the defendants had obtained her personal financial information. In addition to that invasion of her privacy, the inquiry appears on Ms. Benites' credit report and reduces her credit score.
12. Defendants used or obtained Ms. Benites' credit report without a permissible purpose, in violation of the FCRA, 15 U.S.C. § 1681b(f).
13. Defendants knowingly obtained Ms. Benites' credit report without a permissible purpose, in violation of the FCRA, 15 U.S.C. § 1681n(a)(1)(B).
14. Defendants obtained Ms. Benites' credit report under false pretenses, in violation of the FCRA, 15 U.S.C. § 1681n(a)(1)(B).
15. As a result of Defendants' actions, Ms. Benites suffered actual damages, including but not limited to, invasion of privacy, damage to her credit reputation, lost time and aggravation.

Claim for Relief: FCRA Violations

16. Defendants' actions were willful, grossly negligent or, in the alternative, negligent, in violation of the FCRA, 15 U.S.C. §§ 1681b(f), 1681n, 1681o and 1681q.
17. Plaintiff is entitled to actual or statutory damages, punitive damages, costs and reasonable attorney's fees.

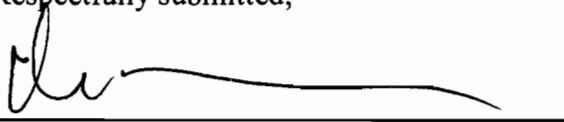
Jury Demand

18. Plaintiff hereby demands trial by six-person jury on all issues so triable.

WHEREFORE, Plaintiff prays that this Honorable Court:

- a. Award statutory or actual damages;
- b. Award punitive damages;
- c. Award reasonable attorney's fees and costs;
- d. Order defendants to instruct the credit reporting agencies to delete the inquiry which appears on Ms. Benites' credit reports.
- e. Award such other relief as it deems just and proper.

Respectfully submitted,



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